Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes February 19, 2010

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 19, 2010 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Halverson, Merrigan, Smitten, Wencl, Young; and

Present: Messrs. Alton, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Schertler, Ward,

and Wickiser.

Commissioners Mmes. *Porter, *Thao, and Messrs. *Commers, *Goodlow, *Margulies, and

Absent: *Spaulding.

*Excused

Also Present: Donna Drummond, Planning Director; Don Ganje, Parks and Recreation, Amy

Filice, Patty Lilledahl, Lucy Thompson, Allan Torstenson, Patricia James, Kate

Reilly, Jessica Rosenfeld, and Sonja Butler, Department of Planning and

Economic Development staff.

I. Approval of minutes February 5, 2010.

<u>MOTION</u>: Commissioner Wencl moved approval of the minutes of February 5, 2010. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Donnelly-Cohen announced that the orange colored papers given to the commissioners are the Planning Commission committee assignments, their confidential contact information used for city staff only and the public contact information which is posted on the web.

III. Planning Director's Announcements

Donna Drummond reported that on February 10, 2010 the City Council approved the Downtown Station Area Plan. Also on February 17, 2010 the City Council approved a resolution recommending/directing establishment of a transportation committee of the Planning Commission. Councilmember Stark, the author of the resolution, sent out a letter to the Planning Commission explaining the reasons he proposed it. The resolution was approved at City Council unanimously and a copy was distributed to the commissioners today.

Ms. Drummond announced that the Steering Committee met today right before the Planning Commission meeting and they discussed this proposal and how they would start to implement it. This will require a by-law change by the Planning Commission, which the Steering Committee will consider at one of its next meetings.

Also, there was concern that the City had a bicycle advisory board, which was created about 20 years ago and was focused on one mode of transportation. Councilmember Stark was interested in having a broader discussion about transportation and how it intersects with land use planning and development decisions. Logically that should be part of the Planning Commission discussions.

There was also a desire to have a broader representation from the various modes of transportation. The structure of this committee will be new in that it will include non-Planning Commission members representing various transportation-related interests. However, the Planning Commission chair will appoint the non-Planning Commission members and their recommendations will go through the full Planning Commission. Ms. Drummond will continue to work with the Steering Committee on figuring out the details of establishing this committee.

IV. PUBLIC HEARING:

Chair Donnelly-Cohen announced that the Saint Paul Planning Commission was holding a public hearing on the Minor Text Amendments for Chapters 60 and 61 of the Zoning Code. Notice of the public hearing was published in the Legal Ledger on January 18, 2010, and was sent to the citywide Early Notification System list and other interested parties.

Kate Reilly, PED staff, stated that the materials in the commissioners' packets explain the Minor Text Amendments, which address Chapters 60 and 61 of the zoning code. Minor amendments to the other chapters will be covered in future studies.

Commissioner Alton said that Section 61.105 of the proposed draft adds a sentence that says; if the use approved is no longer permitted because this code has been amended, the use must meet the requirements of Section 61.803. That refers to the use being approved and a situation where the ordinances change and construction commences. Has the city attorney reviewed that provision?

Ms. Reilly said yes, they have done significant review with the city attorney.

Chair Donnelly-Cohen read the rules of procedure for the public hearing.

No one spoke.

<u>MOTION</u>: Commissioner Ward moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, February 22, 2010, and to refer the matter back to the Zoning Committee for review and recommendation. Commissioner Schertler seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach*, 651/266-9086)

No items.

NEW BUSINESS

#10-013-379DMB LLC – Rezoning from B3 General Business to I1 Industrial. 780 Rice Street, SE corner at Sycamore. (*Patricia James*, 651/266-6639)

Commissioner Kramer said that the Zoning Committee was split on the proposed rezoning with a 3-3 vote, and therefore has no recommendation for the Planning Commission. The commissioners have two resolutions for their consideration, one to be used for recommending approval of the rezoning and the other to be used for denial of the rezoning.

Commissioner Kramer stated he did not vote in favor of the rezoning because he thought that it was inconsistent with the 2005 Rice Street Plan, which had a very specific recommendation against rezoning for more industrial on Rice Street.

<u>MOTION</u>: Commissioner Alton moved the staff's recommendation to approve the rezoning. Commissioner Wencl seconded the motion.

Commissioner Alton said that this is a very small parcel of land that was all zoned industrial for many, many years. It was rezoned to B3 after Dairy Queen was established on the corner. It is surrounded by industrial-zoned property. The applicant has established a good business and they need this additional space for the operation of their business. Excluding the other industrially zoned property, the applicant's property is about 3½ acres of land, and the site proposed for rezoning is about 7% of this total area. It makes more sense to have this portion zoned the same as the surrounding zoning on that lot. He stated that the commission should not base its decision solely on a statement in the Rice Street Plan that says the plan does not recommend additional industrial land uses. The plan does not prohibit it, it just doesn't recommend it.

Commissioner Ward spoke against approving the rezoning. He stated that the parcel was zoned B3 and has always been B3. Commissioner Ward presented a copy of the Rice Street Small Area Plan and 40 acre study with a map that shows the previous uses all along that intersection as well as the changes that were made.

Commissioner Ward said that the B3 zoning restricts auto use businesses to a certain degree. If all of the applicant's parcels become I1, the neighbors and neighborhood are concerned that the code states that if it is all I1 anything can go there. It could become a used car lot or a check cashing place - there are lots of different uses permitted in I1 that don't have to go before the neighborhood. If it stays B3 a variance or conditional use permit would be needed. If it gets changed to vehicular parking, then there can be conditions put on that property.

Commissioner Schertler asked for staff's reasoning for the recommendation to support the rezoning.

Patricia James, PED staff, said that it is a very small property; that Ace Auto owns this parcel and they want to use it for parking. She stated this is not a slam dunk issue. There are policies in the Comprehensive Plan that support the rezoning and there are Comprehensive Plan policies that would say no. Long range, staff thought that it was better to have that little section consistent with the zoning around it.

Commissioner Wencl said that the size of this parcel is 12, 500 square feet, which is a small area of that entire block so in her reasoning it is better if this becomes a cohesive block rezoned to I1.

Commissioner Nelson stated that they were told by Peter Warner, Assistant City Attorney, that the burden of proof in a case like this is on the property owner, the person seeking the rezoning. With as much potential conflicting land use issues going on here, it still is the burden of the property owner, and he will vote against this motion.

Commissioner Connolly asked Commissioner Ward about District 6's vision for that block.

Commissioner Ward said for that particular corner the vision is to completely redevelop. United Products, the business to the west, has plans to make their site their corporate warehouse show case area. They want to move in between 30-40 employees and bring employment into the area.

Commissioner Young wanted clarification as to the property owner's intentions for the building on the site.

Commissioner Kramer said that the owner had indicated that they would try to lease the existing building. But failing that he wanted to consider other options, which might entail tearing it down.

<u>VOTE</u>: The motion to approve the rezoning failed on a voice vote.

<u>MOTION</u>: Commissioner Kramer moved the resolution to deny the rezoning. Commissioner Ward seconded the motion.

Chair Donnelly-Cohen called for a roll call vote, and reminded Commissioners voting in favor of the motion for denial to state their reasons, which could be the reasons provided in the resolution and/or other reasons.

<u>ROLL CALL VOTE</u>: The motion to deny the rezoning carried on a roll call vote 11-4 (Alton, Connolly, Schertler, Wencl).

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, March 4, 2010.

VI. Comprehensive Planning Committee

Amendment to the Redevelopment Plan for the Saint Paul Neighborhood Redevelopment Project Area – State law requires that amendments to a redevelopment plan must be submitted to the planning agency of the City for its review and for a written opinion that the redevelopment plan conforms to the City's Comprehensive Plan. This amendment is needed to allow the expenditure of funds from existing tax increment districts for Central Corridor improvements.

Amy Filice, PED staff, said that this resolution is a piece of the citywide effort to get Central Corridor funded and built. Passage of these amendments by the HRA will allow them to spend money from some of the TIF districts to improve the streetscape and provide other betterments along the Corridor. The Metropolitan Council and the Federal government have approved certain basic streetscape improvements along the entire corridor as part of the project, but the City would like a higher standard of improvements. In looking at the various ways to finance these "betterments" costing around 17-18 million dollars, a variety of sources were considered. One of the sources will be proceeds from three (3) of the TIF districts; Snelling/University, Spruce Tree and Scattered Site. In order to use these funds the project area must be expanded. Among other

requirements, the Planning Commission must review the amendments and find that they are in compliance with the Comprehensive Plan. Ms. Filice made it clear that this does not mean they are expanding the areas in which they are receiving tax increment; it is just those areas in which they can spend the dollars. Attached to the resolution is a map of the project area.

Commissioner Smitten said regarding the TIF, in the future if other resources are found to support the betterments, which she completely supports and thinks are a necessary element of Central Corridor; will there be opportunity to redirect or shift funds?

Ms. Filice said that this budget is in flux and that there are a lot of moving parts. It has changed over time. About a year ago it looked like it might be fifty million dollars but is now down to about \$18 million dollars. If additional federal funds are freed up or grants received, they could be used to reduce both the assessments and the use of TIF dollars.

Commissioner Merrigan wanted clarification about TIF district renewal. She asked how often they are renewed and if there is a specified time period.

Ms. Filice said when establishing a TIF district, it is for a specific period of time. These TIF districts expire in 2016. She also said that the HRA is not asking for an extension. They are only asking to be allowed to use these funds in the expanded project area.

<u>MOTION</u>: On behalf of the Comprehensive Planning Committee, Commissioner Wencl moved the Committee's recommendation to approve the resolution finding the amendment consistent with the Comprehensive Plan. The motion carried unanimously on a voice vote.

Amendments to floodplain regulations and map to meet FEMA requirements for the National Flood Insurance Program - Recommendation to release for public review and set a Planning Commission public hearing date. (Allan Torstenson, 651/266-6579)

Allan Torstenson, PED staff, said that in December 2009 FEMA sent a letter to the city notifying us that they have completed a Flood Insurance Study (FIS) and a new Flood Insurance Rate Map (FIRM) to update the current ones. This is something FEMA does periodically, and they have their own public review process. They released the Preliminary FIS and FIRM back in 2008, addressed all comments they received, and now the new FIS and FIRM for Ramsey County will go into effect on June 4, 2010. The letter from FEMA also notified the city that as a condition of continued eligibility in the National Flood Insurance Program the city must adopt the new Flood Insurance Rate Map as its floodplain boundaries and also adopt revisions to its floodplain ordinance and floodplain regulations to fully comply with current FEMA standards by June 4, 2010. Most of the items in the draft amendments are FEMA mandatory language that comes out of a DNR model ordinance that applies to the entire state and we all use.

Distributed today was a letter received from DNR dated February 16, 2010, informing us that the draft floodplain management ordinance is in compliance with the statewide standards and criteria for management in floodplain areas in Minnesota. DNR gave us conditional state approval which is valid upon adoption of the ordinance by the city and the receipt by the DNR of three (3) certified copies of the adopted ordinance along with a signed and completed ordinance certification check list. To allow sufficient time for processing and transmittal they request the submission of the ordinance to DNR at least one week prior to the June 4, 2010, deadline. If

FEMA has not received the documentation by the effective date, FEMA will suspend the city of Saint Paul from the National Flood Insurance Program. The Planning Commission has to hold a public hearing, make recommendations, and transmit them to the City Council. The City Council has to hold a public hearing as well. The Comprehensive Planning Committee is recommending release of the amendments for public review, setting a Planning Commission public hearing for March 26, 2010, and simultaneously forwarding the amendments to City Council so that the June 4, 2010, FEMA deadline can be met.

<u>MOTION</u>: On behalf of the Comprehensive Planning Committee, Commissioner Wencl moved to release the draft for public review and set a public hearing on March 26, 2010. The motion carried unanimously on a voice vote.

Commissioner Wencl announced that the next Comprehensive Planning Committee meeting is on Tuesday, March 9, 2010.

VII. Staff Presentation

<u>Victoria Park Master Plan Update</u> – Staff presentation. (*Lucy Thompson*, 651/266-6578, and *Patty Lilledahl*, 651/266-6593, *PED*)

Lucy Thompson, PED staff, briefed the Commission on the Victoria Park Master Plan, first adopted by the City Council in 2005 and amended in 2007. The Master Plan covers 65 acres that were the former tank farms for Koch and Exxon Mobil. In 2005, at the time the Victoria Park Master Plan was adopted, the Koch portion of the site was rezoned to TN3. Since that time, the City of Saint Paul HRA has been trying to settle with Exxon on future use and disposition of its portion of the site. With a settlement finally being reached at the end of 2009, and given the future land use restrictions placed on the Exxon portion of the site in the settlement, it is necessary to amend the Master Plan. In preparation for the Planning Commission's consideration of an amendment to the Master Plan, staff is briefing the Commission on the key strategies in the plan, the major points of the Exxon settlement, and subsequent work being done to prepare for a plan amendment.

Ms. Thompson reviewed the key strategies of the Master Plan, regarding future land use, housing type, new street location and design, utilities and other public infrastructure, parking and building type. The Master Plan also contains a development phasing plan. The Master Plan was prepared through a collaboration between City staff, the W. 7th/Fort Road Federation and Brighton Development Corporation, the original master developer. It illustrates a predominantly residential neighborhood, with a variety of housing types, centered on a public green, and new streets extended through the 65 acres.

Patty Lilledahl, PED/HRA staff, briefed the Commission on the key points of the Exxon settlement. Exxon paid the HRA \$5.0 million in exchange for a \$1.00 payment for the land. The HRA is obligated to clean up the property and indemnify Exxon of all liabilities related to the clean-up. Remediation continues on the site, and is expected to be completed in 2-3 years. According to the settlement agreement, the land may be used for park purposes only, and there can be no enclosed buildings on the site. Because the original Master Plan shows a range of housing and commercial uses on the Exxon portion of the site, it will have to be amended to indicate future land use as park space.

Commissioner Smitten noted that the park shown on the original plan appears to be very disconnected from the adjacent neighborhood. She also wondered how the plan envisions connecting the two halves of the site, separated by an active rail corridor. Ms. Thompson responded that the new street system planned for the urban village was intended to connect the park to both urban village residents and the greater neighborhood beyond 7th and Otto. The original plan does not show roads connecting the northern half of the urban village to the southern half (across the tracks), because new at-grade crossings were considered a very remote possibility at the time the plan was adopted. However, the street grid has been set up on both sides of the tracks to line up and eventually connect should the active rail cease to exist. There is an existing underpass connection, which would have to be studied and perhaps rebuilt to allow for full vehicular (including emergency vehicle) access.

Commissioner Connolly asked whether typography precludes easy access or interchange between the site and the river. Ms. Thompson said that it does not preclude it, and that the new concept plan for a larger park includes access between the neighborhood and the Mississippi River/Sam Morgan Regional Trail.

Ms. Thompson showed a very preliminary concept plan for the new park on the former Exxon property. Staff from Parks & Recreation are working with a community task force to get input on desired park uses. The concept plan shows a neighborhood park between the railroad tracks and W. 7th. and four soccer fields in the portion between the tracks and the bluff.

Commissioner Wickiser commented that, as a neighbor and park user, the site along the bluff is overlooking a national park (Mississippi National River and Recreation Area). It is important to consider how active recreation (soccer fields) fits into this larger context, especially given the fact that this is a major migratory bird corridor. Ms. Thompson added that the area riverward of the tracks is in the Mississippi River Critical Area.

Commissioner Nelson noted that the City has lost about 30 acres of developable taxable land in this transaction. He asked about the location and design of the new street shown along the edge of the new park. He stated that perhaps it could be moved to provide more developable land on the blocks to the east.

Ms. Thompson concluded with a brief discussion of process. Once the community task force completes its meetings, Parks staff will recommend a conceptual park plan for the Exxon portion of the site, and the Victoria Park Master Plan will be revised to show the new park concept. The Planning Commission will then hold a public hearing on the revised Master Plan, and make a recommendation to the City Council. Staff is anticipating requesting a rezoning to TN3 at the same time as the Master Plan is amended, so that the entire urban village is zoned TN3(M). More specific park design work will be done once funding is secured to build the park.

VIII. Neighborhood Planning Committee

Commissioner Wencl announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, February 24, 2010.

IX. Communications Committee

Commissioner Smitten had no report.

Χ.	Task Force Reports	
	None.	
XI.	Old Business	
	None.	
XII.	New Business	
	None.	
XIII.	Adjournment	
	Meeting adjourned at 10:22 a.m.	
Sonja I Plannir	led and prepared by Butler, Planning Commission Secretary ng and Economic Development Department, Saint Paul	
Respectfully submitted,		Approved
		(Date)
 Donna	Drummond	Marilyn Porter
Planning Director		Secretary of the Planning Commission

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